

ASSEMBLY BILL

No. 30

Introduced by Assembly Members Garrick and Miller

(Coauthors: Assembly Members Adams, Anderson, Bill Berryhill, Tom Berryhill, Blakeslee, Conway, Cook, Coto, Duvall, Emmerson, Fletcher, Fuller, Gaines, Galgiani, Gilmore, Hagman, Harkey, Jeffries, Knight, Logue, Mendoza, Nestande, Niello, Nielsen, Portantino, Silva, Smyth, Audra Strickland, Tran, and Villines)

April 1, 2009

An act to amend Section 41964 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 30, as introduced, Garrick. Gasoline: vapor recovery systems.

(1) Existing law requires the State Air Resources Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, and additional performance standards to ensure that systems for the control of gasoline vapors from motor vehicle fueling operations do not cause excessive spillage and emissions. Existing law prohibits the state board from requiring a gasoline dispensing facility that meets certain requirements from undergoing an Enhanced Vapor Recovery Phase II upgrade until April 1, 2011.

This bill would exempt a gasoline dispensing facility that does not meet these requirements from penalties for failing to undergo an Enhanced Vapor Recovery Phase II upgrade until April 1, 2010.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41964 of the Health and Safety Code is
2 amended to read:

3 41964. (a) The state board shall not require a gasoline
4 dispensing facility that meets all of the following requirements to
5 undergo an Enhanced Vapor Recovery Phase II upgrade until April
6 1, 2011:

7 ~~(a)~~

8 (1) As of January 1, 2009, have installed a state board certified
9 Phase II vapor recovery system.

10 ~~(b)~~

11 (2) Have an annual gasoline throughput of 240,000 gallons or
12 less.

13 ~~(c)~~

14 (3) Operate in a county that has a population of less than
15 100,000.

16 ~~(d)~~

17 (4) Operate in a basin not classified as nonattainment for ozone.

18 (b) A gasoline dispensing facility that does not meet all of the
19 requirements of subdivision (a) that fails to undergo an Enhanced
20 Vapor Recovery Phase II upgrade shall not be subject to penalties
21 for violations that occur before April 1, 2010.

22 SEC. 2. This act addresses the fiscal emergency declared by
23 the Governor by proclamation on December 19, 2008, pursuant
24 to subdivision (f) of Section 10 of Article IV of the California
25 Constitution. The occasion by which a majority of 11,380 gas
26 stations across the state may be forced to close or pay significant
27 fines for failure to comply with existing law absent the enactment

1 of this act, will have a profoundly adverse effect upon General
2 Fund revenues and gas tax revenues, thereby making introduction
3 and passage of this bill in the 2009–10 Third Extraordinary Session
4 a necessity.

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